

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-21 are pending in this application. Claims 16-21 are withdrawn from consideration. New claims 22-24 have been added by the present amendment.

In the Office Action, the Examiner rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-15 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Conrad et al. (U.S. Patent No. 6,846,675).

For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

Rejections under 35 USC § 112

The Examiner's rejections of claims 1-15 under § 112 is respectfully traversed. The term "at least temporarily simultaneous" is explicitly defined in paragraph [0026] of the published application. It means that the contacting of the fibroblasts in the container with the first contacting side of the connective tissue layer and contacting of the chemotactic factor providing environment with the second contacting side of the connective tissue layer takes place simultaneously at least temporarily, *i.e.*, during a short period of time. Step b) in claim 1 can be started before, at the same time as, or after step c), as long as both steps b) and c) are performed simultaneously for at least a short period of time. Accordingly, applicants respectfully submit that this ground of rejection has been overcome and should be withdrawn.

Rejections under 35 USC § 103

The Examiner's rejection of claims 1-15 under § 103(a) is respectfully traversed for two reasons:

First, claims 1-15 are method claims. By their explicit language, they do not claim a product. These claims recite a method for preparing a connective tissue substitute. Because they do not claim the product itself, the Examiner's "product by process" argument is inapposite, and should be withdrawn.

Second, the method disclosed in Conrad at columns 22-26 nowhere discloses the use of an intact epithelial layer to be used to attract the fibroblasts into the connective tissue, as recited in claim 1. Moreover, the Conrad method is very different from the method recited in claims 1-15. Conrad adds fibroblasts to a collagen solution, then pours this mixture into the culture device. (Conrad, col. 25, line 45 to col. 26, line 31.) The dermal equivalents are cultured until contraction occurs. (Id.) The culture is then lifted to the air interface and maintained at that interface for six, twelve or more hours. (Id.) None of this detailed description in Conrad is at all a disclosure of, or a suggestion for, the method of *in vitro* growth of connective tissue recited in claim 1. Also, in the present invention, the fibroblasts migrate into the connective tissue substitute because of the application of an intact epithelial layer that attracts the fibroblasts into the connective tissue layer, as recited in claim 1 and disclosed at paragraph [0037] of the published application. This limitation is not disclosed in Conrad.

Accordingly, claim 1 and its dependent claims 2-15 are patentable over the prior art cited by the Examiner because they are not anticipated or in any way suggested by the disclosure in Conrad.

New claims 22-24 are patentable over the prior art of record for the reasons provided above with respect to claims 1-15, and because Conrad does not disclose the use of a chemotactic factor for the growth of connective tissue substitutes, as recited in claim 24.

Conclusion

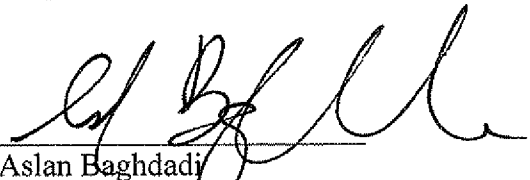
In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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